

1 RAOUL D. KENNEDY (CA Bar No. 40892)  
JOAN R. SHREFFLER (CA Bar No. 245629)  
2 JAMES P. SCHAEFER (CA Bar No. 250417)  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
3 Four Embarcadero Center, Suite 3800  
San Francisco, California 94111-4144  
4 Telephone: (415) 984-6400  
Facsimile: (415) 984-2698  
5 Email: rkennedy@skadden.com; jshreffler@skadden.com;  
jschaefer@skadden.com

6 JOSEPH E. MAIS (CA Bar No. 103756)  
7 ANTHONY L. MARKS (AZ Bar No. 012258)  
TIMOTHY J. FRANKS (CA Bar No. 197645)  
8 DAN L. BAGATELL (CA Bar No. 218879)  
PERKINS COIE BROWN & BAIN P.A.  
9 2901 North Central Avenue  
Post Office Box 400  
10 Phoenix, Arizona 85001-0400  
Telephone: (602) 351-8000  
11 Facsimile: (602) 648-7000  
Email: jmais@perkinscoie.com; amarks@perkinscoie.com;  
12 tfranks@perkinscoie.com; dbagatell@perkinscoie.com

13 PHILIP A. LEIDER (CA Bar No. 229751)  
PERKINS COIE LLP  
14 Four Embarcadero Center, Suite 2400  
San Francisco, California 94111-4131  
15 Telephone: (415) 344-7000  
Facsimile: (415) 344-7050  
16 Email: pleider@perkinscoie.com

17 Attorneys for Defendant  
INTEL CORPORATION

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN JOSE DIVISION  
21

22 IN RE INTEL LAPTOP BATTERY  
23 LITIGATION

CASE NO. 5:09-cv-02889-JW (PVT)

24 **STIPULATION REGARDING EXPERT  
DISCOVERY AND ORDER**

25 Judge: Honorable James Ware

26 Complaint Filed: June 26, 2009

27 Trial Date: None

Discovery Cutoff: February 28, 2011

28 **STIPULATION REGARDING EXPERT  
DISCOVERY AND ORDER**

20336-1273/LEGAL17927821.1

5:09-CV-02889-JW

1 IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff Barry Wachsler  
2 and defendants Intel Corporation and Business Applications Performance Corporation  
3 (collectively “the parties”), through their respective counsel of record, that it is in the interest of  
4 the parties and the Court to avoid consuming unnecessary time and resources on potential  
5 discovery disputes relating to experts. In recognition of that fact, the parties have agreed to  
6 certain limitations on the scope of expert discovery. These limitations are as follows:

7 1. With respect to testifying-expert discovery, neither the expert witness nor the party  
8 retaining him or her need produce, or answer deposition questions or interrogatories about, the  
9 following:

10 (a) any communications between the expert and counsel for the party retaining  
11 him or her (including notes and memoranda memorializing the same) unless the expert witness  
12 relied upon those communications in forming opinions in this matter; and

13 (b) any draft reports prepared by, for, or at the direction of an expert witness.

14 2. Upon proper service on opposing counsel of a notice of deposition of a party’s  
15 expert, the expert shall produce no later than seven business days prior to his/her deposition (a)  
16 copies of any non-publicly available materials that the expert relied on in forming opinions in this  
17 matter and (b) a list identifying any publicly available materials that the expert relied on in  
18 forming opinions in this matter but that are not identified in his/her report. The requested  
19 documents will be produced without the need for service upon the expert of a document  
20 subpoena.

21 3. For purposes of this Stipulation, the terms “expert”, “testifying-expert”, and  
22 “expert witness” do not include present and/or former employees.

23 4. Neither the terms of this Stipulation nor the parties’ agreement to them implies that  
24 any of the information restricted from discovery in this Stipulation would otherwise be  
25 discoverable.

26 5. The Court retains jurisdiction to make such amendments, modifications, or  
27 additions to this Stipulation and the proposed order as it may from time to time deem appropriate  
28 or may consider upon the motion of any party.

6. The parties agree to comply with this Stipulation pending the Court's approval and entry of the proposed order.

**IT IS SO STIPULATED.**

DATED: March 29, 2010

GIRARD GIBBS LLP

By: /s/ Geoffrey A. Munroe  
Geoffrey A. Munroe  
Interim Class Counsel for Plaintiffs

DATED: March 29, 2010

PERKINS COIE LLP

By: /s/ Philip A. Leider  
Philip A. Leider  
Attorneys for Defendant  
INTEL CORPORATION

DATED: March 29, 2010

NARANCIC & KATZMAN, PC

By: /s/ Perry J. Narancic  
Perry J. Narancic  
Attorneys for Defendant  
BUSINESS APPLICATIONS  
PERFORMANCE CORPORATION

ORDER

DATED: March 30, 2010

Patricia V. Trumbull

The Honorable Patricia Trumbull

United States Magistrate Judge